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The Honorable Benjamin H. Settle

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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SYNERGY GREENTECH CORPORATION,) No. 3:12-cv-05543-BHS
Plaintiff,) STIPULATED MOTION TO SEAL
v.) MAGNA FORCE'S REPLY IN
MAGNA FORCE, INC.,) SUPPORT OF MOTION FOR
Defendant.) SUMMARY JUDGMENT
) **NOTE ON MOTION**
) **CALENDAR: June 28, 2013**

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In accordance with CR 5(g) and 7(d)(1), and the Protective Order governing this case (Dkt. 21), Defendant Magna Force, Inc. (“Magna Force”) and Plaintiff Synergy GreenTech Corp. (“Synergy”) jointly move the Court to seal portions of Magna Force, Inc.’s concurrently filed Reply in Support of Motion for Summary Judgment (“Reply”), and exhibits to the Declaration of Daniel Davies in Support of Magna Force’s Reply (“Davies Reply Declaration”). Specifically, the Parties move to seal portions of the Reply that refer to or quote exhibits previously sealed in this case. The portions of the Reply should be sealed because they refer to confidential Magna Force, Synergy and MagnaDrive Inc. (“MDC”) financial data, and confidential information about the Parties’ strategic planning and direction.

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Both the Supreme Court and the Ninth Circuit have held that good cause exists to limit public access to judicial documents where such records constitute “sources of business information that might harm a litigant’s competitive standing.” See, e.g., *Nixon v. Warner*

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MAGNA FORCE, INC.’S STIPULATED
MOTION TO SEAL REPLY
(3:12-cv-05543-BHS) — 1
DWT 22228981v1 0080359-000028

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1 *Commc'ns, Inc.*, 435 U.S. 589, 598 (1978); *In re McClatchy Newspapers, Inc.*, 288 F.3d 369,
 2 370-71 (9th Cir. 2002); *Hagestad v. Tragessor*, 49 F.3d 1430, 1434 (9th Cir. 1995) (holding
 3 that the protection of trade secrets can overcome the public interest in understanding the
 4 judicial process and support the sealing of documents filed in court (quoting *EEOC v. Erection*
 5 *Co., Inc.*, 900 F.2d 168, 170 (9th Cir. 1990)).

6 In accordance with Local Rule 5(g)(3), to minimize the amount of material filed under
 7 seal, the Parties conferred on June 28, 2013 and agreed on the need to file portions of the Reply
 8 that refer to or quote exhibits previously sealed in this case under seal.

9 Accordingly, the Parties respectfully request leave to file under seal portions of the
 10 Reply that refer to or quote exhibits previously filed under seal in this case.

11 DATED this 28th day of June, 2013.

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 45 MAGNA FORCE, INC.'S STIPULATED
 46 MOTION TO SEAL REPLY
 47 (3:12-cv-05543-BHS) — 2
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2 **IT IS SO ORDERED.**

3 The Clerk of Court is directed to retain under seal the unredacted version of Magna
4 Force, Inc.'s Reply in support of Motion for Summary Judgment.

5 Dated this 1 day of July, 2013.

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8 The Honorable Benjamin H. Settle
9 UNITED STATES DISTRICT JUDGE

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27 MAGNA FORCE, INC.'S STIPULATED
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